

## Message Text

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ACTION ARA-20

INFO OCT-01 ISO-00 CIAE-00 PM-07 H-03 INR-10 L-03 NSAE-00

NSC-07 PA-04 RSC-01 PRS-01 SP-03 SS-20 USIA-15 AID-20

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SIL-01 OMB-01 TRSY-11 IGA-02 DRC-01 /171 W

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R 221520Z APR 74

FM AMEMBASSY CARACAS

TO SECSTATE WASHDC 3471

INFO DOD

USCINCSO

C O N F I D E N T I A L CARACAS 3450

USCINCSO FOR POLAD

E.O. 11652: GDS

TAGS: SOCI PGOV PINS VE

SUBJECT: FAA SECTION 32 - POLITICAL PRISONERS

REF: STATE 68545

SUMMARY: THE REFERENCED TELEGRAM DOES NOT SEEM TO APPLY TO VENEZUELA. THIS COUNTRY DOES NOT ARREST ITS CITIZENS FOR POLITICAL PURPOSES. ALL LEGAL POLITICAL PARTIES OF ALL PERSUASIONS PARTICIPATE IN ELECTORAL ACTIVITIES; THE PRESS IS FREE. LEFTIST CHARGES THAT THE GOVERNMENT HOLDS "POLITICAL PROSINERS" REFER TO PERSONS ACCUSED OF COMMON CRIMES; A STUDENT CHARGED WITH BUS BURNING DURING A DEMONSTRATION COULD BE SUCH A "POLITICAL PROSONER". THE CONSTITUTION, LEGAL PROCEDURES AND THE JUDICIARY PROTECT INDIVIDUALS FROM ARBITRARY ARREST.

VENEZUELA AGREES WITH THE U.S. CONGRESS THAT U.S. POLICIES SHOULD ENCOURAGE DEMOCRATIC AND NON-REPRESSIVE INSTITUTIONS. END SUMMARY

1. THE EMBASSY IS SOMEWHAT BEMUSED TO BE AN ADDRESSEE OF REFTEL. VENEZUELA IS ONE OF THE FEW WORKING DEMOCRACIES LEFT IN LATIN AMERICA  
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ITS LAST ELECTION WAS A MODEL OF CIVIC FREEDOM AND RESPONSIBILITY. THE U.S. AID PROGRAM IN VENEZUELA HAS BEEN SHUT DOWN. THE ONLY U.S. MILITARY (MAP) ASSISTANCE THIS COUNTRY RECEIVES IS LESS THAN \$1 MILLION IN TRAINING ANNUALLY.

2. VENEZUELA CLEARLY DOES NOT FALL WITHIN THE PURVIEW OF PROHIBITIONS IN SECTION 32 OF THE FAA OF 1973. IT DOES NOT INTER, DETAIN, ARREST OR IMPRISON ITS CITIZENS FOR POLITICAL PURPOSES. ITS LEGAL POLITICAL PARTIES RANGE FROM FAR LEFT (COMMUNIST PARTY OF VENEZUELA -PCV, MOVEMENT TO SOCIALISM - MAS, MOVEMENT OF THE REVOLUTIONARY LEFT - MIR ) TO FAR RIGHT (PRO-PEREZ JIMENEZ, NATIONAL ACTION MOVEMENT). ALL COMPETED FREELY IN THE LAST GENERAL ELECTION WITHOUT CHARGES OF OFFICIAL REPRESSION BASED ON POLITICAL AFFILIATION. POWER WAS HANDED OVER FREELY TO THE OPPOSITION IN 1969 AND AGAIN IN 1974. THE UNBIASED INTER-AMERICAN PRESS SOCIETY GIVES THIS COUNTRY THE HIGHEST MARKS FOR FREEDOM OF THE PRESS.

3. FROM TIME TO TIME LEFTISTS RAISE THE SLOGAN "POLITICAL PRISONERS", BUT THE INDIVIDUALS CONCERNED WERE ARRESTED AND DETAINED FOR COMMON CRIMES. FOR INSTANCE, A STUDENT ARRESTED FOR STONING AND BURNING A BUS IS TRIED FOR THAT CRIME, THOUGH THE LEFT MIGHT CALL HIM A POLITICAL PRISONER BECAUSE HE WAS PARTICIPATING IN A LEFTIST DEMONSTRATION. SIMILARLY, THE LEFT TERMS "POLITICAL PRISONERS" PERSONS ARRESTED ON SUSPICION OF ARMED INSURGENT ACTIVITIES, WHILE THE VENEZUELAN GOVERNMENT COUNTERS THAT THEY ARE BEING HELD FOR SPECIFIC CRIMES SUCH AS KIDNAPPING OR ASSASSINATION. CHARGES OF "POLITICAL PRISONERS" HAVE BEEN HEARD DURING ALL OF THIS COUNTRY'S DEMOCRATIC ADMINISTRATIONS.

4. TITLE III OF THE VENEZUELAN CONSTITUTION ENTITLED "DUTIES, RIGHTS AND GUARANTEES" IS OPERATIVE AND ADHERED TO. ARTICLES 46 THROUGH 50, ARTICLE 60 AND ARTICLES 65 THROUGH 71 SPECIFICALLY GUARANTEE RIGHTS WHICH ARE COMPREHENDED WITHIN THE SENSE OF SECTION 32, FAA. A PERSON ARRESTED MUST BE FORMALLY CHARGED BEFORE A PREFECT (AN OFFICIAL OF THE COURTS) WITHIN 72 HOURS. IF NOT SO CHARGED HE MUST BE FREED. THE PREFECT STUDIES THE CASE AND EITHER DISCHARGES OR ISSUES THE EQUIVALENT OF AN ARRAIGNMENT -- THIS CAN TAKE AS LONG AS FIFTEEN DAYS. THE TRIAL MAY TAKE PLACE MUCH LATER, AS IN THE U.S., BUT THE ACCUSED MAY IN MOST CASES BE RELEASED ON BOND AND BE CONFIDENTIAL

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FREE FROM CUSTODY DURING THE INTERVENING PERIOD. THE ACCUSED HAS THE RIGHT TO LEGAL COUNSEL.

5. THE VENEZUELAN LEGAL SYSTEM PROVIDES THE RIGHT OF APPEAL AND IS MONITORED BY A COUNCIL ON THE JUDICIARY (FOR DETAILS, ADDRESSEES' ATTENTION IS INVITED TO CARACAS A-289 OF JUNE 24, 1973). A PERSON WHO CLAIMS TO HAVE BEEN ARBITRARILY ARRESTED OR DENIED SPEEDY TRIAL HAS THE RIGHT TO SUE THE ARRESTING AUTHORITY FOR VIOLATION OF HIS

CONSTITUTIONAL RIGHTS. SUCH SUITS ARE ROUTINELY FILED; SOME ARE  
DECIDED AGAINST THE ARRESTING AUTHORITIES, SOME ARE NOT.

6. VENEZUELA WOULD ENTHUSIASTICALLY AND GENUINELY SECOND THE INTENT  
OF CONGRESS (PARA. 4 REFTTEL) THAT U.S. POLICIES SHOULD ENCOURAGE  
"STRONG ECONOMIC, POLITICAL AND SOCIAL INSTITUTIONS NEEDED FOR A  
PROGRESSIVE DEMOCRATIC SOCIETY".  
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## Message Attributes

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